

THE IOWA REAL ESTATE COMMISSION  
1918 SE HULSIZER  
ANKENY, IOWA

---

IN RE:	)	
	)	
	)	CASE NUMBER: 96-022
SUSAN M. PLEVA (B27806)	)	
Broker Associate	)	STATEMENT OF
	)	CHARGES
4800 Westown Pky #110	)	
West Des Moines, Iowa 50266	)	

---

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (1995).

Licenses issued by the Commission are subject to the laws of the state of Iowa and to the administrative rules of the Commission.

SUSAN M. PLEVA is, and was at all material times during the following events, a licensed broker associate assigned to Coldwell Banker/Mid America Group, a licensed real estate firm, number F02963, in West Des Moines, Iowa. Her license number is B27806.

COUNT I

The Respondent is charged with engaging in a practice harmful or detrimental to the public by (1) disbursing sellers' proceeds from a trust account at closing to one owner, knowing there were multiple owners of the property, (2) failing to deliver a copy of the closing statement to all owners, and (3) failing to supply a copy of executed closing instruments to all owners, in violation of Iowa Code sections 543B.29(3) and 543B.34(7) (1995); and 193E IAC sections 1.28, 1.35, and 4.40(6)(g).

### CIRCUMSTANCES OF THE COMPLAINT

1. On July 24, 1995, Respondent closed a real estate transaction concerning property located at 1410 Bittersweet Road, Woodward, Iowa, owned by Linda White, Gary White, Mary White, and Karen Wilson.
2. In connection with the closing Respondent issued a check to Linda White in the amount of \$65,314.18, representing the total of the proceeds due to all four owners. Respondent did not disburse sellers' proceeds to all owners or obtain written authorization to disburse funds to only one owner.
3. Respondent arranged for a single warranty deed to be executed by all four owners, but failed to supply copies of the fully-executed instrument to all owners.
4. Respondent failed to deliver a copy of the closing statement to all owners.

### FINDING OF PROBABLE CAUSE

On August 22, 1996, the Iowa Real Estate Commission found probable cause to file this Statement of Charges and to order that a hearing be set in this case.

Executed this Feb day of March, 1997.

  
Roger L. Hansen, Executive Secretary  
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General  
William B. Serangeli, Attorney for Respondent

BEFORE THE IOWA REAL ESTATE COMMISSION  
1918 SE HULSIZER  
ANKENY, IOWA

---

IN RE: )

SUSAM M. PLEVA (B27806) )  
Broker Associate )

4800 Westown Pky #110 )  
West Des Moines, Iowa 50266 )

---

CASE NUMBER: 96-022

STIPULATION AND  
CONSENT ORDER

On this 6<sup>th</sup> day of MARCH, 1997, the Iowa Real Estate Commission and SUSAM M. PLEVA, each hereby agree with the other and stipulate as follows:

1. The allegations specified in the Statement of Charges in this case shall be resolved without proceeding to hearing as the parties have agreed to the following Stipulation and Consent Order;

2. The Respondent was issued a broker associate license to practice real estate on January 1, 1994, as evidenced by license number B27806, which is in full force and effect through December 31, 1998.

3. The Iowa Real Estate Commission has jurisdiction over the parties and subject matter jurisdiction over each allegation in the Statement of Charges.

4. A Statement of Charges will be filed against Respondent together with this voluntary Stipulation and Consent Order.

5. Respondent does not admit to all allegations in the Statement of Charges, but agrees upon hearing the Commission could find one or more violations of law or Commission regulations.

6. If this Stipulation and Consent Order is approved by the Commission it will be filed, along with the Statement of Charges, and upon filing both documents will become public records.

7. This Stipulation and Consent Order shall be made a part of the record of the Respondent and may be considered by the Commission in determining the nature and severity of any disciplinary action to be imposed on the Respondent for any future violations of the laws and rules governing the practice of real estate.

8. Failure to comply with the terms of this Stipulation and Consent Order shall be prima facie evidence of a violation of Iowa Code sections 543B.29(3), 543B.34(2) and 272C.3(2)(a) (1995).

9. This Stipulation and Consent Order shall be presented to the Commission in closed session by the prosecuting attorney and/or Commission staff. Respondent waives any right of notice of this meeting or any right which the Respondent might have to participate in the discussion of this Stipulation and Consent Order among the Commission, the Commission staff and the prosecuting attorney.

10. This Stipulation and Consent Order is not binding on the Iowa Real Estate Commission until it has been formally approved by a majority of the Commission members. In the event that this Stipulation and Consent Order is rejected by the Commission it shall be of no force or effect to either party.

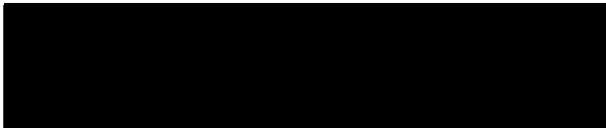
THEREFORE IT IS HEREBY ORDERED that the Respondent is **Reprimanded**.

IT IS FURTHER ORDERED that the Respondent shall pay a civil penalty in the amount of \$500.00 to the Commission within thirty (30) days of acceptance of this Stipulation and Consent Order by the Commission.

IT IS FURTHER ORDERED AND AGREED that at all future times Respondent shall fully and promptly comply with all pertinent Orders of the Commission and the statutes and Commission rules regulating the practice of real estate.

**FOR THE RESPONDENT:**

This Stipulation and Consent Order is voluntarily entered into by the Respondent on this 20 day of February, 1997.



SUSAM M. PLEVA, Respondent

State of Iowa

County of Polk

Signed and sworn to before me on this 20 day of February, 1997, by



Notary Public, State of Iowa

Printed Name: Lisa M. Hurt

My Commission Expires: 9/24/98

**FOR THE COMMISSION:**

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on the 6th day of March, 1997.



Evelyn Rank, Chair  
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General  
William B. Serangeli, Attorney for Respondent